



General Assembly

February Session, 2010

Raised Bill No. 438

LCO No. 2238

02238_____ED_

Referred to Committee on Education

Introduced by:
(ED)

***AN ACT CONCERNING CHARTER SCHOOLS AND OPEN CHOICE
PROGRAM FUNDING.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-66bb of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) On and after July 1, 1997, the State Board of Education may grant
4 [, within available appropriations,] charters for local and state charter
5 schools in accordance with this section.

6 (b) Any person, association, corporation, organization or other
7 entity, public or independent institution of higher education, local or
8 regional board of education or two or more boards of education
9 cooperatively, or regional educational service center may apply to the
10 Commissioner of Education, at such time and in such manner as the
11 commissioner prescribes, to establish a charter school, provided no
12 nonpublic elementary or secondary school may be established as a
13 charter school and no parent or group of parents providing home
14 instruction may establish a charter school for such instruction.

15 (c) The State Board of Education shall review, annually, all
16 applications and grant charters in accordance with subsection (f) of
17 this section. [(1) Except as provided for in subdivision (2) of this
18 subsection, no] No state charter school shall enroll (A) (i) more than
19 two hundred fifty students, or (ii) in the case of a kindergarten to
20 grade eight, inclusive, school, more than three hundred students, or (B)
21 twenty-five per cent of the enrollment of the school district in which
22 the state charter school is to be located, whichever is less. [(2) In the
23 case of a state charter school found by the State Board of Education to
24 have a demonstrated record of achievement, such school may, upon
25 application to and approval by said board, enroll up to eighty-five
26 students per grade, if within available appropriations.] The State Board
27 of Education shall give preference to applicants for charter schools that
28 will serve students who reside in a priority school district pursuant to
29 section 10-266p or in a district in which seventy-five per cent or more
30 of the enrolled students are members of racial or ethnic minorities and
31 to applicants for state charter schools that will be located at a work-site
32 or that are institutions of higher education. In determining whether to
33 grant a charter, the State Board of Education shall consider the effect of
34 the proposed charter school on the reduction of racial, ethnic and
35 economic isolation in the region in which it is to be located, the
36 regional distribution of charter schools in the state and the potential of
37 over-concentration of charter schools within a school district or in
38 contiguous school districts.

39 (d) Applications pursuant to this section shall include a description
40 of: (1) The mission, purpose and any specialized focus of the proposed
41 charter school; (2) the interest in the community for the establishment
42 of the charter school; (3) the school governance and procedures for the
43 establishment of a governing council that (A) includes (i) teachers and
44 parents and guardians of students enrolled in the school, and (ii) the
45 chairperson of the local or regional board of education of the town in
46 which the charter school is located and which has jurisdiction over a
47 school that resembles the approximate grade configuration of the
48 charter school, or the designee of such chairperson, provided such

49 designee is a member of the board of education or the superintendent
50 of schools for the school district, and (B) is responsible for the
51 oversight of charter school operations, provided no member or
52 employee of the governing council may have a personal or financial
53 interest in the assets, real or personal, of the school; (4) the financial
54 plan for operation of the school, provided no application fees or other
55 fees for attendance, except as provided in this section, may be charged;
56 (5) the educational program, instructional methodology and services to
57 be offered to students; (6) the number and qualifications of teachers
58 and administrators to be employed in the school; (7) the organization
59 of the school in terms of the ages or grades to be taught and the total
60 estimated enrollment of the school; (8) the student admission criteria
61 and procedures to (A) ensure effective public information, (B) ensure
62 open access on a space available basis, (C) promote a diverse student
63 body, and (D) ensure that the school complies with the provisions of
64 section 10-15c and that it does not discriminate on the basis of
65 disability, athletic performance or proficiency in the English language,
66 provided the school may limit enrollment to a particular grade level or
67 specialized educational focus and, if there is not space available for all
68 students seeking enrollment, the school may give preference to siblings
69 but shall otherwise determine enrollment by a lottery; (9) a means to
70 assess student performance that includes participation in state-wide
71 mastery examinations pursuant to chapter 163c; (10) procedures for
72 teacher evaluation and professional development for teachers and
73 administrators; (11) the provision of school facilities, pupil
74 transportation and student health and welfare services; (12)
75 procedures to encourage involvement by parents and guardians of
76 enrolled students in student learning, school activities and school
77 decision-making; (13) document efforts to increase the racial and
78 ethnic diversity of staff; and (14) a five-year plan to sustain the
79 maintenance and operation of the school. Subject to the provisions of
80 subsection (b) of section 10-66dd, an application may include, or a
81 charter school may file, requests to waive provisions of the general
82 statutes and regulations not required by sections 10-66aa to 10-66ff,

83 inclusive, as amended by this act, and which are within the jurisdiction
84 of the State Board of Education.

85 (e) An application for the establishment of a local charter school
86 shall be submitted to the local or regional board of education of the
87 school district in which the local charter school is to be located for
88 approval pursuant to this subsection. The local or regional board of
89 education shall: (1) Review the application; (2) hold a public hearing in
90 the school district on such application; (3) survey teachers and parents
91 in the school district to determine if there is sufficient interest in the
92 establishment and operation of the local charter school; and (4) vote on
93 a complete application not later than sixty days after the date of receipt
94 of such application. Such board of education may approve the
95 application by a majority vote of the members of the board present and
96 voting at a regular or special meeting of the board called for such
97 purpose. If the application is approved, the board shall forward the
98 application to the State Board of Education. The State Board of
99 Education shall vote on the application not later than seventy-five days
100 after the date of receipt of such application. Subject to the provisions of
101 subsection (c) of this section, the State Board of Education may
102 approve the application and grant the charter for the local charter
103 school or reject such application by a majority vote of the members of
104 the state board present and voting at a regular or special meeting of
105 the state board called for such purpose. The State Board of Education
106 may condition the opening of such school on the school's meeting
107 certain conditions determined by the Commissioner of Education to be
108 necessary and may authorize the commissioner to release the charter
109 when the commissioner determines such conditions are met. The state
110 board may grant the charter for the local charter school for a period of
111 time of up to five years and may allow the applicant to delay its
112 opening for a period of up to one school year in order for the applicant
113 to fully prepare to provide appropriate instructional services.

114 (f) An application for the establishment of a state charter school
115 shall be (1) submitted to the State Board of Education for approval in

116 accordance with the provisions of this subsection, and (2) filed with the
117 local or regional board of education in the school district in which the
118 charter school is to be located. The state board shall: (A) Review such
119 application; (B) hold a public hearing on such application in the school
120 district in which such state charter school is to be located; (C) solicit
121 and review comments on the application from the local or regional
122 board of education for the school district in which such charter school
123 is to be located and from the local or regional boards of education for
124 school districts that are contiguous to the district in which such school
125 is to be located; and (D) vote on a complete application not later than
126 seventy-five days after the date of receipt of such application. The State
127 Board of Education may approve an application and grant the charter
128 for the state charter school by a majority vote of the members of the
129 state board present and voting at a regular or special meeting of the
130 state board called for such purpose. The State Board of Education may
131 condition the opening of such school on the school's meeting certain
132 conditions determined by the Commissioner of Education to be
133 necessary and may authorize the commissioner to release the charter
134 when the commissioner determines such conditions are met. Charters
135 shall be granted for a period of time of up to five years and may allow
136 the applicant to delay its opening for a period of up to one school year
137 in order for the applicant to fully prepare to provide appropriate
138 instructional services.

139 (g) Charters may be renewed, upon application, in accordance with
140 the provisions of this section for the granting of such charters. Upon
141 application for such renewal, the State Board of Education may
142 commission an independent appraisal of the performance of the
143 charter school that includes, but is not limited to, an evaluation of the
144 school's compliance with the provisions of this section. The State Board
145 of Education shall consider the results of any such appraisal in
146 determining whether to renew such charter. The State Board of
147 Education may deny an application for the renewal of a charter if (1)
148 student progress has not been sufficiently demonstrated, as
149 determined by the commissioner, (2) the governing council has not

150 been sufficiently responsible for the operation of the school or has
151 misused or spent public funds in a manner that is detrimental to the
152 educational interests of the students attending the charter school, or (3)
153 the school has not been in compliance with applicable laws and
154 regulations. If the State Board of Education does not renew a charter, it
155 shall notify the governing council of the charter school of the reasons
156 for such nonrenewal.

157 (h) The Commissioner of Education may at any time place a charter
158 school on probation if (1) the school has failed to (A) adequately
159 demonstrate student progress, as determined by the commissioner, (B)
160 comply with the terms of its charter or with applicable laws and
161 regulations, (C) achieve measurable progress in reducing racial, ethnic
162 and economic isolation, or (D) maintain its nonsectarian status, or (2)
163 the governing council has demonstrated an inability to provide
164 effective leadership to oversee the operation of the charter school or
165 has not ensured that public funds are expended prudently or in a
166 manner required by law. If a charter school is placed on probation, the
167 commissioner shall provide written notice to the charter school of the
168 reasons for such placement, not later than five days after the
169 placement, and shall require the charter school to file with the
170 Department of Education a corrective action plan acceptable to the
171 commissioner not later than thirty-five days from the date of such
172 placement. The charter school shall implement a corrective action plan
173 accepted by the commissioner not later than thirty days after the date
174 of such acceptance. The commissioner may impose any additional
175 terms of probation on the school that the commissioner deems
176 necessary to protect the educational or financial interests of the state.
177 The charter school shall comply with any such additional terms not
178 later than thirty days after the date of their imposition. The
179 commissioner shall determine the length of time of the probationary
180 period, which may be up to one year, provided the commissioner may
181 extend such period, for up to one additional year, if the commissioner
182 deems it necessary. In the event that the charter school does not file or
183 implement the corrective action plan within the required time period

184 or does not comply with any additional terms within the required time
185 period, the Commissioner of Education may withhold grant funds
186 from the school until the plan is fully implemented or the school
187 complies with the terms of probation, provided the commissioner may
188 extend the time period for such implementation and compliance for
189 good cause shown. Whenever a charter school is placed on probation,
190 the commissioner shall notify the parents or guardians of students
191 attending the school of the probationary status of the school and the
192 reasons for such status. During the term of probation, the
193 commissioner may require the school to file interim reports concerning
194 any matter the commissioner deems relevant to the probationary
195 status of the school, including financial reports or statements. No
196 charter school on probation may increase its student enrollment or
197 engage in the recruitment of new students without the consent of the
198 commissioner.

199 (i) The State Board of Education may revoke a charter if a charter
200 school has failed to: (1) Comply with the terms of probation, including
201 the failure to file or implement a corrective action plan; (2)
202 demonstrate satisfactory student progress, as determined by the
203 commissioner; (3) comply with the terms of its charter or applicable
204 laws and regulations; or (4) manage its public funds in a prudent or
205 legal manner. Unless an emergency exists, prior to revoking a charter,
206 the State Board of Education shall provide the governing council of the
207 charter school with a written notice of the reasons for the revocation,
208 including the identification of specific incidents of noncompliance with
209 the law, regulation or charter or other matters warranting revocation
210 of the charter. It shall also provide the governing council with the
211 opportunity to demonstrate compliance with all requirements for the
212 retention of its charter by providing the State Board of Education or a
213 subcommittee of the board, as determined by the State Board of
214 Education, with a written or oral presentation. Such presentation shall
215 include an opportunity for the governing council to present
216 documentary and testimonial evidence to refute the facts cited by the
217 State Board of Education for the proposed revocation or in justification

218 of its activities. Such opportunity shall not constitute a contested case
 219 within the meaning of chapter 54. The State Board of Education shall
 220 determine, not later than thirty days after the date of an oral
 221 presentation or receipt of a written presentation, whether and when
 222 the charter shall be revoked and notify the governing council of the
 223 decision and the reasons therefor. A decision to revoke a charter shall
 224 not constitute a final decision for purposes of chapter 54. In the event
 225 an emergency exists in which the commissioner finds that there is
 226 imminent harm to the students attending a charter school, the State
 227 Board of Education may immediately revoke the charter of the school,
 228 provided the notice concerning the reasons for the revocation is sent to
 229 the governing council not later than ten days after the date of
 230 revocation and the governing council is provided an opportunity to
 231 make a presentation to the board not later than twenty days from the
 232 date of such notice.

233 Sec. 2. Section 10-66hh of the general statutes is repealed and the
 234 following is substituted in lieu thereof (*Effective from passage*):

235 (a) For the fiscal [years] year ending June 30, 2008, [and June 30,
 236 2009] and each fiscal year thereafter, the Commissioner of Education
 237 shall establish, within available bond authorizations, a grant program
 238 to assist state charter schools in financing (1) school building projects,
 239 as defined in section 10-282, (2) general improvements to school
 240 buildings, as defined in subsection (a) of section 10-265h, and (3)
 241 repayment of debt incurred for school building projects. The
 242 governing authorities of such state charter schools may apply for such
 243 grants to the Department of Education at such time and in such
 244 manner as the commissioner prescribes. The commissioner shall give
 245 preference to applications that provide for matching funds from
 246 nonstate sources.

247 (b) All final calculations for grant awards pursuant to this section in
 248 an amount equal to or greater than two hundred fifty thousand dollars
 249 shall include a computation of the state grant amount amortized on a

250 straight line basis over a ten-year period. Any state charter school
 251 which abandons, sells, leases, demolishes or otherwise redirects the
 252 use of a school building which benefited from such a grant award
 253 during such amortization period, including repayment of debt for the
 254 purchase, renovation or improvement of the building, shall refund to
 255 the state the unamortized balance of the state grant remaining as of the
 256 date that the abandonment, sale, lease, demolition or redirection
 257 occurred. The amortization period shall begin on the date the grant
 258 award is paid. A state charter school required to make a refund to the
 259 state pursuant to this subsection may request forgiveness of such
 260 refund if the building is redirected for public use.

261 Sec. 3. Subsection (g) of section 10-266aa of the general statutes is
 262 repealed and the following is substituted in lieu thereof (*Effective July*
 263 *1, 2010*):

264 (g) [The] For the fiscal year ending June 30, 2011, and each fiscal
 265 year thereafter, the Department of Education shall provide, within
 266 available appropriations, an annual grant to the local or regional board
 267 of education for each receiving district in an amount not to exceed (1)
 268 two thousand five hundred dollars for each out-of-district student who
 269 attends school in the receiving district under the program if the
 270 number of such out-of-district students are less than or equal to three
 271 per cent of the total student population of such receiving district, (2)
 272 six thousand dollars for each out-of-district student who attends
 273 school in the receiving district under the program if the number of
 274 such out-of-district students are greater than three per cent but less
 275 than or equal to five per cent of the total student population of such
 276 receiving district, and (3) nine thousand dollars for each out-of-district
 277 student who attends school in the receiving district under the program
 278 if the number of such out-of-district students are greater than five per
 279 cent of the total student population of such receiving district. Each
 280 town which receives funds pursuant to this subsection shall make such
 281 funds available to its local or regional board of education in
 282 supplement to any other local appropriation, other state or federal

283 grant or other revenue to which the local or regional board of
284 education is entitled.

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>from passage</i> | 10-66bb |
| Sec. 2 | <i>from passage</i> | 10-66hh |
| Sec. 3 | <i>July 1, 2010</i> | 10-266aa(g) |

Statement of Purpose:

To remove fiscal restrictions that limit the State Board of Education's ability to grant charters to local and state charter schools; to eliminate the enrollment cap of eighty-five students per grade for state charter schools that have demonstrated a record of achievement; to extend the Commissioner of Education's authority to provide grants to state charter schools for capital expenses; and to increase the per pupil grant to districts receiving open choice program students.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]